



PATENT
ARCD:086/SER

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **CONSTITUTIVE GENE EXPRESSION IN CONJUNCTION WITH IONIZING RADIATION**, the Specification of which:

is attached hereto.
X was filed on August 11, 1994 as Application Serial No. 08/289,290.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

N/A	(Application Serial No.)	(Filing Date)	(Status)
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I hereby direct that all correspondence and telephone calls be addressed to Gary J. Sertich, Arnold, White & Durkee, P.O. Box 4433, Houston, Texas 77210 (512) 418-3000.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name: Ralph H. Weichselbaum
(First) (Initial) (Last)

Inventor's Signature: [Signature]

Date: 9/29/94 Country of Citizenship: USA

Residence Address: 2031 N. Sedgwick Chicago, IL 60614
(Include number, street name, city, state, and country)

Post Office Address:
(if different from
residence address)

Inventor's Full Name: 2 0 0
Dennis E Hallahan
(First) (Initial) (Last)

Inventor's Signature: Dennis E Hallahan

Date: 9/29/94 Country of Citizenship: USA

Residence Address : 231 N. Elmore Park Ridge, IL 60068 IL
(Include number, street name, city, state, and country)

Post Office Address:
(if different from
residence address)

Inventor's Full Name: Donald W. Kufe
(First) (Initial) (Last)

Inventor's Signature: _____

Date: _____ Country of Citizenship: _____

Residence Address : _____
(Include number, street name, city, state, and country)

Post Office Address:
(if different from
residence address)

Inventor's Full Name: 41-00
Vikas P. Sukhatme
(First) (Initial) (Last)

Inventor's Signature: Vikas P. Sukhatme

Date: 12/13/94 Country of Citizenship: USA

Residence Address : 36 SKY VIEW CIRCLE, NEWTON CENTRE, MA
(Include number, street name, city, state, and country) ⁰²¹⁵⁹

Post Office Address:
(if different from
residence address)

Same as above



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D E C L A R A T I O N

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<u> </u> N/A	<u> </u>	<u> </u>
(Application Serial No.)	(Filing Date)	(Status)

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I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name: Ralph H. Weichselbaum
(First) (Initial) (Last)

Inventor's Signature: _____

Date: _____ Country of Citizenship: _____

Residence Address : _____
(Include number, street name, city, state, and country)

Post Office Address:
(if different from
residence address)

Inventor's Full Name: Dennis E Hallahan
(First) (Initial) (Last)

Inventor's Signature: _____

Date: _____ Country of Citizenship: _____

Residence Address : _____
(Include number, street name, city, state, and country)

Post Office Address:
(if different from
residence address) _____

370
Inventor's Full Name: Donald W Kufe
(First) (Initial) (Last)

Inventor's Signature: Don W. Kufe

Date: 10/12/94 Country of Citizenship: USA

Residence Address : 179 Grove Street, Wellesley, Massachusetts, U.S.A.
(Include number, street name, city, state, and country)

Post Office Address:
(if different from
residence address) _____

Inventor's Full Name: Vikas P. Sukhatme
(First) (Initial) (Last)

Inventor's Signature: _____

Date: _____ Country of Citizenship: _____

Residence Address : _____
(Include number, street name, city, state, and country)

Post Office Address:
(if different from
residence address) _____

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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: \$
Ralph R. Weichselbaum, \$
Dennis E. Hallahan, \$
Donald W. Kufe and \$
Vikas P. Sukhatme \$
 \$ Examiner: Unknown
Serial No.: 08/289,290 \$ Group Art Unit: Unknown
Filed: August 11, 1994 \$ Atty. Dkt: ARCD:086/SER
For: CONSTITUTIVE GENE \$
 EXPRESSION IN CONJUNCTION \$
 WITH IONIZING RADIATION \$

DECLARATION CLAIMING SMALL ENTITY STATUS
37 C.F.R. §§ 1.9(f) and 1.27(d) - NONPROFIT ORGANIZATION

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: Arch Development Corporation

Address of Organization: 1101 East 59th Street
Chicago, Illinois 60637

The type of organization is tax exempt.

I hereby declare that the organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) (1), and thus is a "small entity" as defined in § 1.9(f), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, with regard to the above-referenced application.

I hereby declare that exclusive rights to the invention have been conveyed to and remain with the organization, with respect to the above-referenced invention, nor have I assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e), with the exception that the Government may have rights in the invention pursuant to a funding agreement under 35 U.S.C. § 202(c)(4): CA58505, CA40046 and CA42586.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

ARCH DEVELOPMENT CORPORATION

By: Thomas L. Churchwell
Name: Thomas L. Churchwell
Title: President

Date: Dec 29, 1994



PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: \$
Ralph R. Weichselbaum, \$
Dennis E. Hallahan, \$
Donald W. Kufe and \$
Vikas P. Sukhatme \$
\$ Examiner: Unknown
Serial No.: 08/289,290 \$
\$ Group Art Unit: Unknown
Filed: August 11, 1994 \$
\$ Atty. Dkt: ARCD:086/SER
For: CONSTITUTIVE GENE \$
EXPRESSION IN CONJUNCTION \$
WITH IONIZING RADIATION \$

DECLARATION CLAIMING SMALL ENTITY STATUS
37 C.F.R. §§ 1.9(f) and 1.27(d) - NONPROFIT ORGANIZATION

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: Dana-Farber Cancer Institute

Address of Organization: 44 Binney Street
Boston, Massachusetts 02115

The type of organization is tax exempt.

I hereby declare that the organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) (1), and thus is a "small entity" as defined in § 1.9(f), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, with regard to the above-referenced application.

I hereby declare that exclusive rights to the invention have been conveyed to and remain with the organization, with respect to the above-referenced invention, nor have I assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e), with the exception that the Government may have rights in the invention pursuant to a funding agreement under 35 U.S.C. § 202(c)(4): CA58505, CA40046 and CA42586.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made

with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

DANA-FARBER CANCER INSTITUTE

By: 

Name: Julia D. Hart

Title: Patent Counsel

Date: 10-13-94